

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: July 16, 2002

TIME: 7:00 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Dini Healy-Coffin, Chris Romeo, Robert McCusker,
Robert Jefferies, Allan Loiselle

Open Forum

There was no input from the Board or the audience.

Town FAQ's

Sidewalk Fund and Town Hall Renovations – Healy-Coffin responded to questions raised by Brian Shipley at the meeting of June 18, 2002. Healy-Coffin read a memo from the Finance Director outlining the following:

Sidewalk Account – Total amount of contributions to the fund - \$42,500

Current Balance \$38,000

Expenditures \$ 4,500

Trees, Application to the National
Grid for use of property walkways,
Application to MA Electric for use
of property walkways

Town Hall Renovations – Town Hall Expense \$ 3,000

Town Hall Capital per Town

Meeting Votes \$98,000

Reserve Fund Transfer –

Small overrun for Assessor's Office Ceiling

Value of Various Properties the Town is seeking to purchase – Healy-Coffin responded to questions raised by Tony Martinez at the June 18th meeting.

Stipinski Property and Smith Property (corner of Route 40/Tyngsboro Road) – Healy-Coffin stated that the Town applied for grants to assist in the purchase of both parcels. The grants were not awarded to the Town and those parcels will not be purchased.

Recruitment of Water Treatment Operator and Town Planner – Healy-Coffin stated that Town Meeting voted on a Water Treatment Plant Operator while the position was advertised as Water Treatment Plant Manager. There was no specific salary amount in the advertisement. Leslie Thomas, Water Commissioner, outlined the requirements for a Water Treatment Plant Manager. Thomas stated that the salary and budget are based upon the entry level amount of \$63,000 at Band 4 which was lowered from Band 6 at Town Meeting. Thomas stated that the money comes from water fees. McCusker asked if the Water Commissioners did a salary survey for the license level of the plant manager. Thomas stated that they did a complete survey regarding plant managers and operators. McCusker asked if the Water Commissioners considered contracting out for the manager given that there is currently a Water Superintendent. Thomas stated that the plant manager must be available 24 hours a day, 7 days a week and to contract out would be too expensive.

Healy-Coffin reported that the Town Planner was advertised as Town Planner II. The job description remains the same. There was no specific salary amount in the advertisement. Healy-Coffin read from the Personnel Rules and Regulations regarding compensation for newly appointed positions.

Request from Walter Nyder, 82 Graniteville Road to Purchase Town Owned Land

Walter Nyder, 82 Graniteville Road, requested permission to purchase a small parcel of land adjacent to his property in order to upgrade his septic system and install a new leaching field. Nyder distributed photographs of his property and the abutting property. Ledoux stated that because of the road reconstruction, the road shifted and it could be argued that the Town discontinued the road and it would revert back to the owner. Ledoux stated that another alternative could be to give Nyder an easement. Both actions would require Town Meeting approval. Ledoux suggested that the Highway Superintendent provide input regarding the proper right-of-way. Jefferies asked that the original layout of the bridge be checked as the land may already belong to Nyder. Healy-Coffin requested that Ledoux check with the Assessor's regarding ownership and whether Town Meeting action is needed. The Board to respond to Nyder as soon as possible.

Discussion on Precinct 5 Poll Locations

Phil McGee, Chairman of the Board of Registrars, was present to discuss the polling locations. McGee recommended keeping the current poll locations: Precincts 1, 3 and 6 at the Abbot School; Precinct 5 at St. Catherine's; Precinct 4 at the Robinson School and Precinct 2 at the Day School. McCusker asked if the Registrars had considered Parker Village as a separate polling district and possibly using Nashoba Tech as a polling location. McGee stated that Nashoba Tech does not have adequate room for voting. McGee stated that it is difficult to find public buildings with adequate space and parking. McGee is working with the School Superintendent regarding the use of the new schools coming on line in the future. It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to re-establish the Board's vote to support the Registrar's recommendation.

Public Hearings

Liquor License Butter Brook Golf Course – Attorney William Dailey was present for the applicants. Dailey outlined the plans for a temporary club house to be in place by next spring with the golf course open by next fall. Healy-Coffin reported that a satisfactory CORI report has been received. There was no input from the floor. It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

Liquor License – Residence Inn, 7 Lan Drive – Steve Bradshaw, Manager, was present seeking an All Alcohol License. The Residence Inn currently holds a Beer and Wine License. There was no input from the floor. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.

One Day Liquor License – Residence Inn – Thursday, July 18, 2002 from 5:00 p.m. to 9:30 p.m. – After Hours Mixer – It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

Petition from Mass Electric to Locate Poles and Wires and Fixtures – Makepeace Road – Ledoux stated that the relocation is due to the Route 3 construction. Jefferies stated that he would like Mass Electric to provide the size of the poles and how they compare to the poles proposed for Concord Road. Romeo was concerned that Mass Electric will replace the poles but not remove the old poles creating additional double poles in town. It was moved by Jefferies, seconded by Romeo, and VOTED 3 IN FAVOR (Jefferies, Romeo, Loiselle) WITH 2 OPPOSED (Healy-Coffin, McCusker), to approve the request conditionally upon the removal of the old poles and receiving an engineering report regarding the size and depth of the poles, the load carrying capacity and how these poles compare to the proposed poles on Concord Road. McCusker did not want to put contingencies on the approval and suggested waiting until the next meeting. Healy-Coffin was concerned with how the town will know if Mass Electric adheres to the conditions.

Presentation on the Reorganization of the Recreation Department into the Parks and Grounds Department

Ledoux addressed the history of the recreation fields, responsibility of the sports organizations, maintenance of the fields, and meetings between the Town Manager, Chair of the Board of Selectmen, the Recreation Commission, and sports representatives to address coordination and maintenance of the fields. Pat Savage, Parks and Recreation

Director, made a presentation regarding the Organization Chart of the Current Structure for Recreation, Parks & Grounds and Cemeteries; Impacts Creating Change; Budget for FY02 & FY03 – General Fund; and Future Expansion. Savage reported that there is an irrigation system proposed for the Stony Brook project. The Recreation Commission had requested two wells for the irrigation system. After drilling it was determined that one of the wells did not have adequate water for the system. Savage requested permission to determine if a well could be used on the Lavelle property. Healy-Coffin was concerned with the impact on earth removal. Jefferies was concerned that a certain amount of water is needed for the Lavelle property. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to allow the Permanent School Building Committee to make an investigation of a well site on the Lavelle property.

Position of Recreation Director Compensation – Ledoux referenced the opinion provided by Town Counsel dated June 25, 2002 regarding the issue of whether the Town can continue to pay Savage the total compensation package, including the stipend of \$7,500 for her duties as Parks and Recreation Director. John Masteralexis, Town Counsel, was present and summarized his opinion. Masteralexis felt that the Town can continue to pay the stipend allowance to Savage as part of her total compensation package of salary, car allowance and stipend. Savage was employed with the understanding that she would be paid a salary of \$60,000, a car allowance of \$3,600 and a stipend of \$7,500. Masteralexis stated that when Savage accepted the position, she did so based upon a written offer of employment which included the outlined compensation. McCusker was concerned that the compensation plan sets maximums and minimums which are approved by Town Meeting. McCusker asked how the Town can exceed a plan approved by Town Meeting. Masteralexis stated that the \$7,500 stipend is still in the budget and was not eliminated by Town Meeting. Masteralexis stated that there is money in the budget for that function and the Town Manager has the discretion to spend it. Robert Welch, former Chairman of the Recreation Commission, stated that the stipend was for the additional duties which are above and beyond the duties of the Recreation Director. McCusker requested a list of all positions, pays, stipends and benefits. Ellen Harde, Town Moderator, asked the Board to remember the rules of Town Meeting, and that the vote of Town Meeting is what counts not the information found out at a later date.

Discussion of Early Retirement Incentive

Ledoux updated the Board on the recent workshop he attended with Chris Liebke, Human Resource Director, regarding the early retirement incentive. The Board must accept the provisions of the Act on or before November 1, 2002. Eligible employees must file applications by December 2, 2002 and retire by December 31, 2002. Ledoux referenced the survey he conducted to get a sense of the level of interest from town employees. Ledoux received 23 indications of interest. Ledoux referenced the ERI Benefit Estimation Worksheet which showed a yearly additional cost of \$83,901.12. Healy-Coffin wanted to know what other towns are doing relative to early retirement. Healy-Coffin asked Ledoux to put together a cost estimate. McCusker stated that he supports early retirement. Loiselle asked how cost effective early retirement would be. Jefferies asked if all of the positions would be refilled and what those replacement costs

would be. Ledoux stated that he needs to speak to the School Department regarding some of the positions. Liebke stated that early retirement is the sole responsibility of Westford and the program is designed solely by Westford. Continued to the meeting of August 13th at which time the Board will make a decision.

Discussion of Beede Oil Superfund Site

Ledoux updated the Board on two meetings he attended that were sponsored by the Environmental Protection Agency (EPA). EPA has asked *de minimis* parties to sign an agreement by August 2, 2002 to pay \$6.25 per gallon (\$11,718.75) that would end any further liability for the cleanup on the site. EPA has not met with TRC regarding a possible remediation by TRC for \$4.85 per gallon. Ledoux recommended paying the \$6.25 per gallon to EPA. Jefferies asked what EPA could do if Westford refuses to pay the \$6.25. Jefferies stated that EPA told Westford how to handle the oil with a licensed facility and now EPA is charging the Town for the cleanup. Jefferies suggested that all the towns band together and refuse to pay EPA. Ledoux stated that the \$12,000 would be eaten up by Town Counsel defending the Town. Romeo agreed with Jefferies stating that the Town should do nothing on principle alone. Romeo was concerned that the Town authorized \$9,100 and that the Board should not go above that amount. Loiselle felt that the EPA would roll over the Town and drag Westford through the courts. Loiselle suggested supporting Ledoux's recommendation. McCusker felt that it was prudent to pay the short money now rather than fighting EPA. It was moved by Loiselle, seconded by McCusker, and VOTED 3 IN FAVOR (Healy-Coffin, McCusker, Loiselle) and 2 OPPOSED (Jefferies, Romeo), to go with Ledoux's recommendation.

Appointments

Zoning Board of Appeals – Sam Frank, Zoning Board of Appeals, requested that the Board appoint Bob Herrmann as an alternate member. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint Bob Herrmann as an alternate member to the Zoning Board of Appeals. Frank requested that the Board promote Roger Hall from alternate member to

permanent member. It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to promote Roger Hall to permanent member of the Zoning Board of Appeals.

Cable Advisory Committee – It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to appoint Eric Johansson to the Cable Advisory Committee.

Licenses and Permits

Request from Westford Suzuki School to Hold Recital on Town

Common, September 14, 2002 – It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the request. Loiselle requested that Parks and Recreation supervise the assembly of the tent.

Fletcher Club – One Day Liquor License – August 11, 2002 Clambake

– The Board set the time limit of the activity for 9:00 a.m. to 9:00 p.m. It was moved by Jefferies, seconded by McCusker, and VOTED 4 IN FAVOR WITH 1 ABSTAINING

(Romeo), to approve. Romeo was concerned with the Fletcher Club hosting this event so close to the ABCC ruling.

Sunday Public Entertainment License for the 4-H Fair – August 25, 2002 from 8:00 a.m. to 7:00 p.m. – It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

Board Reports/Updates

Early Bird Meeting Update regarding Technology – Healy-Coffin updated the Board on a meeting she attended with the School Committee, the School Superintendent, the Finance Director, and the Town Manager regarding the Superintendent's change of direction of technology and moving the help desk person under the school budget. Healy-Coffin stated that after discussion, it was decided that a separate meeting was needed in September to discuss technology. The attendees to include the Board of Selectmen, the School Committee, the Finance Committee, the Finance Director, the Town Manager and Lyle Kirtman of Future Management as facilitator. Romeo requested pertinent information regarding the proposed consolidation. Healy-Coffin asked Ledoux to invite the MIS person to the August 13th meeting. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to meet with the School Committee, the Finance Committee, the Finance Director, the Town Manager and Lyle Kirtman at a date to be set in September.

Fireworks at Kimball Farm – Loiselle reported that he received a call from a resident concerned about Kimball Farm having fire works on the night before MCAS testing which kept their children awake. Loiselle suggested that the Board look into a policy that goes beyond the Fire Department's approval. Ledoux reported that some communities have bylaws that limit or prohibit fireworks. Healy-Coffin asked Ledoux to put together a policy regarding

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fireworks for the Board's review. Jefferies suggested talking to Kimball Farm regarding the fireworks incident.

Minutes and Bylaws on the Web Page – Romeo thanked the Town Clerk for getting the minutes and bylaws posted on the Town's web site.

Permanent School Building Committee – Jefferies reported that the furniture for the Crisafulli School will be moved in on time. The Rita Miller School is on track and the middle school is moving ahead.

Old Business/New Business

Whiting Dog Hearing – Ledoux reported that the Police Department is receiving calls daily from Mrs. Gendron regarding the Whiting's dog. The Council on Aging is concerned because Mr. and Mrs. Whiting are experiencing stress from the calls. Ledoux suggested reopening the hearing in August to resolve this issue. It was moved by McCusker, seconded by Loiselle, and VOTED UNANIMOUSLY, to continue the hearing to August 13th. McCusker requested that the hearing be scheduled early in the meeting.

Acceptance of Gift from Mass Electric – 11 acres of land at the end of Rome Drive. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to accept.

Selectmen to Sign Land Acquisition Document for Anderson Parcels – It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to sign.

NESWC Assessment – Ledoux complimented the Highway Superintendent and the Highway Operations Administrator for their work with other NESWC communities to broker tonnage thereby reducing Westford's assessment.

Town Audits – Ledoux reported that the audits have been completed. Ledoux proposed a joint meeting with the Finance Committee on August 7, 2002 at 7:30 p.m. to review the numbers and the report. The Finance Director will present the audit.

School Crossing Guards – Healy-Coffin stated that she and Ledoux met with Chief Welch regarding the school crossing guard positions. Healy-Coffin asked if the Board would be interested in incorporating attrition if someone retires. This would require a policy vote from the Board. Healy-Coffin stated that if the crossing guard positions are eliminated, the safety issues would be addressed by school buses picking up the students. Welch stated that he looked for budget cuts in their tight budget while continuing to provide public safety to the community. Welch spoke to the School Superintendent regarding setting up bus stops at the crossings to address safety issues. Welch stated that if the Board wants to continue with the crossing guard positions, the money will have to

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come from somewhere. Welch stated that the consequences could include reduced cruiser coverage, reduced response rates, officer safety and traffic impacts. McCusker recommended deferring to fall town meeting to see what money is available as previously voted by the Board.

Correspondence

Healy-Coffin read the list of correspondence.

Motion to Go Into Executive Session

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to go into Executive Session at 10:40 p.m. for the purpose of discussing litigation regarding Tresca, Omnipoint, and Whittlesey; and Collective Bargaining Health Insurance Percentage. The Board to reconvene to regular session for the purpose of adjourning. A polling of the Board: Healy-Coffin-yes; Romeo-yes; McCusker-yes; Jefferies-yes; Loiselle-yes. Richard Barrett, Highway Superintendent, to attend the Tresca discussion. McCusker recused himself from the Collective Bargaining discussion.

Open Items

7/17-1 Ledoux to check with Assessor's re: ownership of land abutting Walter Nyder, 82 Graniteville Road, and whether Town Meeting action is needed.

- 7/17-2 Ledoux to request engineering report from Mass Electric re: how poles proposed for Makepeace Road compare to proposed poles on Concord Road, i.e., carrying capacity, size and depth.
- 7/17-3 Ledoux to prepare a list of all positions, pays, stipends and benefits re: McCusker's request.
- 7/17-4 Ledoux to put together numbers re: early retirement.
- 7/17-5 The Board to make a decision on 8/13 re: early retirement.
- 7/17-6 Ledoux to request Parks and Recreation supervise the assembly of the tent for the Westford Suzuki School recital on the Town Common on 9/14.
- 7/17-7 Ledoux to invite MIS person to 8/13 meeting to discuss technology.
- 7/17-8 Ledoux to prepare a fireworks policy for the Board's review.
- 7/17-9 Ledoux to schedule continuation of dog hearing re: Whiting for August 13th (early in the meeting).

Adjournment

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 RECUSAL (McCusker), to adjourn the meeting at 11:15 p.m.

Steve Ledoux, Town Manager

Dini Healy-Coffin, Chairman